IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 2452 of 1988

Date of decision: 04.04.2007

Dharam Pal

..... Petitioner.

Versus

Santosh etc.

..... Respondents.

CORAM: HON'BLE MR. JUSTICE M.M. AGGARWAL

Present:- Mr. Kabir Singh , Advocate

Mr. Suresh Kumar,Advocate

M.M. AGGARWAL, J. (ORAL)

This is petition against order dated 29.07.1988 of Rent Controller, Ludhiana whereby landlord now petitioner was directed to be prosecuted under Section 19 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter referred to as 'the Act') for violating the provisions of Section 6(1) and Section 7 of the Act.

The contention of the tenant now respondent was that landlord was not entitled to house tax but he filed a petition before the Court of Rent Controller and demanded rent as well as house tax and tenant had to tender that house-tax in the Court of Rent Controller due to fear of ejectment.

The Rent Controller came to the conclusion that there is no agreement of payment of house-tax and that the landlord compelled the tenant to pay house-tax, to which he was not entitled. Therefore, there was violation of provisions of Section 6(1) and Section 7 of the Act and tenant was granted permission to launch present proceedings under Section 19 of the Act.

The ejectment petition where excess rent was claimed and paid, had been filed in the year 1985. Now 22 years have already been passed. Even about 19 years have passed when the order is made. Tenancy still continues between the parties.

Now at this stage, no useful purpose will be served for prosecuting the landlord under Section 19 of the Act.

Accordingly, this petition is accepted and order dated 29.07.1988 of Rent Controller, Ludhiana is set aside.

April 04, 2007 **(M.M. AGGARWAL)**
Dinesh **JUDGE**